

Notice of Allowability

Application No.

10/732,907

Examiner

Paula L. Craig

Applicant(s)

WHEELER ET AL.

Art Unit

3761

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 01/09/2006.
2. ☒ The allowed claim(s) is/are 1,4-15 and 17-27.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date _____
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____.

EXAMINER'S AMENDMENT/REASONS FOR ALLOWANCE

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.
2. The application has been amended as follows:

In Claim 4, line 1 of the claim, replace "2" with --1--.

3. Claims 1, 4-15, and 17-27 are allowed.
4. The following is an examiner's statement of reasons for allowance: The closest prior art is European Patent Publication No. EP 1245209 A2 to McNeil-PPC, U.S. patent Publication No. 2002/0143311 A1 to Brisebois, and U.S. Patent No. 5,300,058 to Goulait et al. For Claims 1 and 18, EP '209 shows an absorbent article with a pair of physically separate wings which at least partially encircle the crotch portion of an undergarment; various configurations of the wings including some in which a single wing extends transversely from each side of the article; the wings attaching to each other; hook and loop material for attachment to the undergarment; and the wings being removably attachable and variably positionable. EP '209 does not expressly teach hook and loop material extending generally over the garment facing side of absorbent article and the wings, an overall pattern of hook material on the absorbent article and the

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wings, hook compatible material on the body facing side of the wings, nor means for variably positioning and removably attaching **each** wing of the pair at any location on the garment facing side of the absorbent article. Brisebois teaches absorbent articles having a plurality of wings with flaps, various configurations of the wings including some in which a single wing extends transversely from each side of the article, and the wings attaching to each other. Brisebois does not teach hook and loop material, nor physically separate pairs of wings with means for variably positioning and removably attaching each wing of the pair at any location on the garment facing side of the absorbent article. Goulait teaches absorbent articles having various patterns of hook and loop material, some of which include hook material extending generally over the garment facing side of the absorbent article and wings. There is insufficient motivation to combine the general pattern of hook material of Goulait with the hook material and physically separate pair of wings of EP '209, include hook compatible material on the body facing side of the wings, and then use these elements as a means for variably positioning and removably attaching each wing of the pair at any location on the garment facing side of the absorbent article. Claims 4-15, 17, and 19-27 are allowed as dependent on Claims 1 and 18.

5. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Paula L. Craig whose telephone number is (571)272-5964. The examiner can normally be reached on 8:30AM-5:00PM M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tanya Zalukaeva can be reached on (571)272-1115. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Paula L Craig
Examiner
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PLC

TATYANA ZALUKAEVA
SUPERVISORY PRIMARY EXAMINER

